

1 The opinion in support of the decision being entered today was *not* written
2 for publication and is *not* binding precedent of the Board

3
4 UNITED STATES PATENT AND TRADEMARK OFFICE

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6
7 BEFORE THE BOARD OF PATENT APPEALS
8 AND INTERFERENCES
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11 *Ex parte* PATRICK THOMAS O'CONNOR and DONALD REX BOYS
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14 Appeal 2007-0609
15 Application 09/814,010¹
16 Technology Center 3600
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19 Decided: February 28, 2007
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22 *Before:* HUBERT C. LORIN, STUART S. LEVY, and ROBERT E.
23 NAPPI, *Administrative Patent Judges.*

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25 LEVY, *Administrative Patent Judge.*
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28 ORDER REMANDING TO THE EXAMINER
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30 STATEMENT OF CASE

31 Applicants appeal from a final rejection of claims 35 and 36 under 35
32 U.S.C. § 134 (2002). We have jurisdiction under 35 U.S.C. § 6(b) (2002).

¹ Application filed March 20, 2001. Applicants claim the benefit under 35 U.S.C. § 120 of application 09/323,599, filed June 1, 1999. The real party in interest is Patrick Thomas O'Connor and Donald Rex Boys.

1 The Examiner rejected claims 35 and 36 under 35 U.S.C. § 103(a)
2 (2004).

3 Claim 35 is representative of the claims under appeal and reads as
4 follows:

5 35. An Internet-enabled appointment and reservation service
6 system, comprising:
7
8 an Internet-connected appointment/reservation server executing
9 first software; and

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11 one or more subscribing businesses to the service, the
12 businesses each having an internet-connected appliance executing
13 second software;

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15 wherein the appointment server, through the first software,
16 presents to browsing clients an interactive interface enabling the
17 clients to select individual ones of the subscribing businesses, and
18 once a subscribing business is selected displays to the selecting client
19 an interactive appointment/reservation schedule to select an
20 appointment or reservation with the business, wherein the
21 appointment server updates the appointment/reservation schedule at
22 the server for each business as browsing clients make
23 appointments/reservations, wherein the appointment/reservation
24 server periodically provides updated appointment schedules to the
25 subscribing businesses which are displayed by the second software
26 interactively, allowing the subscribing businesses to further update the
27 appointment reservation schedules and to return them to the
28 appointment/reservation server, which updated versions then becomes
29 the interactive schedules displayed to browsing clients.

1 The prior art relied upon by the Examiner in rejecting the claims on
2 appeal is:

3 DeLorme	US 5,948,004	Sep. 7, 1999
4 Cummings, Jr.	US 6,345,260 B1	Feb. 5, 2002

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6 From our review of the record, we find that the application is not in
7 condition for decision on appeal for the reasons which follow. Accordingly,
8 we remand the application to the Examiner to take appropriate action.

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10 **ISSUE**

11 A page is missing from the Examiner's Answer.

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13 **FINDINGS OF FACT**

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15 The Examiner's Answer includes pages numbered 1-7 and 9
16 (excluding the Appendix). Page 9 has been renumbered "8" in ink.
17 However, the language at the end of page 7 does not correlate with the
18 language at the top of page 9 (renumbered in ink as "8").

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20 **ANALYSIS**

21 From the inconsistent language bridging the bottom of page 7 and the
22 top of page 9, which had been renumbered as "8," we conclude that a page is
23 missing from the Examiner's Answer. Correction is required.

1 This remand to the examiner pursuant to 37 CFR § 41.50(a)(1)
2 (effective September 13, 2004, is ***not*** made for further consideration of a
3 rejection. Accordingly, 37 CFR § 41.50(a)(2) does not apply.

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5 REMAND TO THE EXAMINER

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